BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Appeal No. 108 *of* 1904-05.

Appellant	*Versus*	Respondents
Venkatasubbaiya		1. Subbaiya 2. Chennappa.

Subject.

Appeal against the order of the Deputy Commissioner of the Tumkur District, confirming the sale held for arrears of revenue of lands Survey Nos. 49, 41 and 170 of Lakkenahalli village in the Gubbi Taluk.

The facts of the case are briefly these :—

Survey No. 49 (wet) measuring eight acres and thirty guntas and assessed at Rs. 40, of Lakkenahalli village, though included in the atchkat of Lakkenahalli tank is dependent for its irrigation on the Konanakallu tank. But the tank, breached and its bed was given out for temporary cultivation. Thus the only source of irrigation for Survey No. 49 failed and the appellant nevertheless offered to take it up for cultivation in the state in which it then was and he was accordingly put in possession of it in the year Plava (1901-02) and the kandayam therefor was also recovered from him. In the next year, he contended that he was not liable to pay the wet rate of assessment on the ground that there was no means of irrigating his land and prayed either for a remission of asesssment or for permission to utilize the water of the Lakkenahalli tank. But neither of these alternatives were allowed. Meanwhile the kandayam on this land for 1902-03 having fallen into arrears, a demand notice was duly served on the party. The appellant having failed to pay up the arrears, the lands in his khate including the number in question were, after the observance of all the prescribed formalities, put up to auction and at the sale held by the Amildar there were no bids forthcoming for Survey No. 49 which was bought in by Government, while the remaining numbers fetched small prices. When the records came up before the Deputy Commissioner, he, after personal inspection of the land, ordered the confirmation of the sale and also directed that as the petitioner had unauthorizedly taken Government tank water for cultivating his land (No. 49) which he had purchased in the condition in which it then was, he saw no reason to allow any remission and accordingly directed the recovery of the full assessment from the appellant. Hence the present appeal praying for the cancellation of the sale of Survey No. 49 and for the remission of half assessment on the said land.

Decision.

Though situated under a breached tank, the land in question was deliberately applied for and obtained by the appellant on the usual terms, that is, subject to the payment of full assessment. He paid full assessment accordingly for the first year. His default in the next year led to the adoption of the coercive measures of which he now complains. The Deputy Commissioner rightly held that the appellant had no valid grievance since the terms of the grant did not entitle him to any concession or relief and since moreover he had used the water of some other Government tank for the irrigation of his land. Government see no reason to interfere.

The appeal is rejected.

Memo No. R. 7500—***R. M.*** 476-04-8, *dated Bangalore,* 18*th December* 1905.

Copy of the above is forwarded to the Deputy Commissioner of the Tumkur District, together with the records received with his letter No. 377, dated the 9th October 1905.

Appeal No. 109 *of* 1904-05.

Appellant—Kapinipati Nanjundaiya *alias* Srikantaiya, kayamguttadar of Ponnathpur, (represented by his agent L. C. Shama Rao).

Subject.

Appeal against the Inam Superintendent's order treating the village of Ponnathpur in the Alur Sub-Taluk, Hassan District, as a jodi village, and directing the imposition of excess quit-rent.

The facts of the case appear sufficiently from the following :—

Decision.

This is an appeal from an order of the Inam Superintendent treating the village of Ponnathpur as a jodi village, and directing the levy of an enhanced quit-rent on it.